

THE HONORABLE BENJAMIN SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLYDE RAY SPENCER , MATTHEW RAY
SPENCER, and KATHRYN E. TETZ,

Plaintiffs,

v.

FORMER DEPUTY PROSECUTING
ATTORNEY FOR CLARK COUNTY
JAMES M. PETERS, DETECTIVE
SHARON KRAUSE, SERGEANT
MICHAEL DAVIDSON, CLARK COUNTY
PROSECUTOR'S OFFICE, CLARK
COUNTY SHERIFF'S OFFICE, THE
COUNTY OF CLARK and JOHN DOES
ONE THROUGH TEN,

Defendants.

NO. C11 5424 BHS

**[PROPOSED] ORDER GRANTING
DEFENDANTS' MOTION FOR
FED.R.CIV.P. 35 EXAMINATION**

**NOTE ON MOTION CALENDAR:
Friday, November 30, 2012**

THIS MATTER, having come before the Court on Defendants' Motion for Fed.R.Civ.P. 35 Examination, and the Court having reviewed all pleadings filed herein, including the Declaration of Guy Bogdanovich in Support of Motion for Fed.R.Civ.P. 35 Examination, with Exhibits A-D thereto, plaintiff's responsive pleadings, and all pleadings filed by defendants in reply, it is hereby:

ORDERED, ADJUDGED AND DECREED that Defendants' Motion for Fed.R.Civ.P. 35 Examination is hereby GRANTED. And, it is further

ORDERED, ADJUDGED AND DECREED that:

1. Defendants, collectively, are entitled to conduct one Fed.R.Civ.P. 35 examination of plaintiff Clyde Ray Spencer by Ronald M. Klein, Ph.D.
2. Plaintiff's examination shall occur on December 7, 2012 or December 11, 2012, at [the office of Dr. Klein, 10 North Post Street, Suite 216, Spokane, Wa 99201 - or - at a mutually agreed upon location in Seattle]. The examination shall begin at 9:00 a.m. and shall end by 5:00 p.m., and shall include an interview and administration of an MMPI, and additional tests if deemed necessary by Dr. Klein as the examination progresses.
3. Plaintiff may have a representative of his choosing present during his entire examination (other than a co-plaintiff), who may observe silently, but not interfere with or obstruct the examination.
4. Plaintiff's representative may take notes and/or make a recording of the examination, which shall be made at plaintiff's expense and in an unobtrusive manner. The recording may be made via audio or videotape. If videotaped the recording must be done by a professional videographer. Should notes be taken and/or a recording be made, defendants may obtain a complete and unedited copy thereof at their own expense.
5. Pursuant to Fed.R.Civ.P. 35, defendants shall deliver to plaintiff's counsel a copy of a detailed written report of the examination upon request.

DATED this ____ day of November, 2012.

BENJAMIN H. SETTLE
United States District Judge

Presented by:

/s/ Guy Bogdanovich

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